

House Study Bill 89

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON PUBLIC
SAFETY BILL BY CHAIRPERSON
BAUDLER)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the withdrawal of blood without a warrant from
2 a person under arrest for an operating=while=intoxicated
3 offense when the arrest results from a traffic accident
4 resulting in death or personal injury reasonably likely to
5 cause death.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 1636HC 80
8 rh/cl/14

PAG LIN

1 1 Section 1. NEW SECTION. 321J.10A BLOOD WITHDRAWAL
1 2 WITHOUT A WARRANT.
1 3 Notwithstanding section 321J.10, if a person is under
1 4 arrest for an offense arising out of acts alleged to have been
1 5 committed while the person was operating a motor vehicle in
1 6 violation of section 321J.2 or 321J.2A, and that arrest
1 7 results from an accident that causes a death or personal
1 8 injury reasonably likely to cause death, a chemical test of
1 9 blood may be administered without the consent of the person
1 10 arrested to determine the amount of alcohol or a controlled
1 11 substance in that person's blood if all of the following
1 12 circumstances exist:
1 13 1. The peace officer reasonably believes the blood drawn
1 14 will produce evidence of intoxication.
1 15 2. The method used to take the blood sample is reasonable
1 16 and performed in a reasonable manner by medical personnel
1 17 under section 321J.11.
1 18 3. The peace officer reasonably believes the officer is
1 19 confronted with an emergency situation in which the delay
1 20 necessary to obtain a warrant under section 321J.10 threatens
1 21 the destruction of the evidence.

1 22 EXPLANATION
1 23 This bill provides that if a person is under arrest for a
1 24 drunk=driving=related violation, and that arrest results from
1 25 an accident that causes a death or personal injury reasonably
1 26 likely to cause death, a chemical blood test may be
1 27 administered to the person arrested, without that person's
1 28 consent, to determine the amount of alcohol or a controlled
1 29 substance in the person's blood if: (1) the peace officer
1 30 reasonably believes the blood drawn will produce evidence of
1 31 intoxication; (2) the method used to take the blood sample is
1 32 reasonable and performed in a reasonable manner by medical
1 33 personnel; and (3) the peace officer reasonably believes the
1 34 officer is confronted with an emergency situation in which the
1 35 delay necessary to obtain a warrant threatens the destruction
2 1 of the evidence.
2 2 LSB 1636HC 80
2 3 rh/cl/14